REMARKS

Consideration of the comments which follow in response to the the Official Action of June 13, 2006 and entry of the amendments to the claims and specification are respectfully requested by Applicants.

Amendments

The specification has been amended to insert information regarding the related parent application, now US Patent No. 6,653,456. No new matter has been added.

Claims 7 and 11 have been amended to correct dependency. No new matter has been added.

Restriction requirement

The Examiner requires restriction under 35 USC §121 to one of the following groups:

Group I: Claims 1, 2, 8, and 9 drawn to an antibody, classified in class 530, subclass 387.1

Group II: Claims 3-5, 7, and 11 drawn to a method for determining aminoglycosides classified in class 435, subclass 7.1

Group III: Claim 6 drawn to a method of determining aminoglycosides classified in class 435, subclass 7.95.

Group IV: Claim 10 drawn to a test kit, classified in class 514, subclass 10.

With regard to Groups I and IV, the examiner argues that the inventions are unrelated because the feature of the antibody produced in response to the compound having a carrier on the aminoglycoside compound in invention I is not required by the claims of invention IV, and the feature of packaged combination a complex of an analog of the aminoglycoside and a label and an antibody produced in response to the compound in invention IV is not required by the claims of invention I.

With regard to Groups II and III, the examiner argues that the inventions are unrelated because the feature of using an antibody for aminoglycoside compound having a label on the compound in invention II is not required by the claims of invention III, and the feature of using an antibody for the aminoglycoside compound having a carrier on the compound in invention II is not required by the claims of invention II.

The examiner argues that the invention I, IV and II-III are related as product and process of use but are distinct because the product claimed in inventions I and IV can be practiced with another materially different process such as isolation or purification.

Election for examination

Applicants elect the invention of Group II, Claims 3-5, 7, and 11 drawn to a method for determining aminoglycosides, with traverse.

Traversal of requirement

Applicants traverse the requirement and argue that the requirement is improper.

First, with regard to Group I, claims 8 and 9 are not antibody claims. They are test kit claims which recite the antibody claimed in claims 1 and 2. Therefore, Applicants agree that claims 1, 2, 8, and 9 should be properly grouped together; however, Applicants disagree with their characterization.

With regard to Group II, claim 11 is not a method claim. It is a test kit claim. However, claim 11 as filed depended from claim 7, which was incorrect since claim 7 is a method claim and claim 11 is a test kit claim. Applicant has corrected the dependency of claim 11 by amendment. Applicant does agree that claim 11 should properly be group with claims 3-5, however, but Applicant argues that claim 10, from which claim 11 depends, should properly be included with the claims of Group II.

Applicants agree with the examiner's description of the relationship of the inventions of Groups I and IV. However, Applicants argue that claims 6 and 7 should properly be included with the Group I because the feature of the antibody produced in response to the compound

having a carrier on the aminoglycoside compound in Group I, claims 1 and 2, is required by the method of claims 6 and 7 (as it is by the test kit of claims 8 and 9, which are already properly grouped with Group I).

The examiner has argued that the product claims in invention I and IV can be practiced with another materially different process such as isolation or purification. Applicants wish to point out that the test kit of Group IV, claim 10, is not suitable for a different process such as isolation or purification. Claim 10 recites an antibody specific for the aminoglycoside to be determined and a specific aminoglycoside derivative. These components together would not be suitable for isolation or purification.

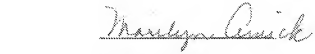
In summary, Applicants argue that Group I should properly include claims 1, 2, and 6-9 because the feature of the antibody produced in response to the compound having a carrier on the aminoglycoside compound in claims 1 and 2 is required by the method of claims 6 and 7 and by the kit of claims 8 and 9.

Further, Applicants argue that Group II should properly include claims 3-5, 10, and 11 because the feature of the labeled reagent having the formula recited by claim 3 is required by the kit of claims 10 and 11.

Applicants respectfully request the examiner's reconsideration of the requirement for restriction in light of Applicants remarks above.

The Examiner is hereby authorized to charge any fees associated with this Amendment to Deposit Account No. 02-2958. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Marilyn L. Amick
Reg. No. 30,444

Customer no. **23690**
Phone: 317-521-7561